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HOUSE BILL 398

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Rhonda S. King

AN ACT

**RELATING TO HEALTH; CREATING A FUND FOR EMERGENCY MALPRACTICE
PREMIUMS FOR PHYSICIANS AND NURSE MIDWIVES WHO PROVIDE
BIRTHING SERVICES; MAKING APPROPRIATIONS.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. BIRTHING LIABILITY FUND CREATED. --

**A. The "birthing liability fund" is created in the
state treasury. The purpose of the fund is to provide a
malpractice premium for a nurse midwife or physician who in an
emergency cannot afford the premium for malpractice insurance
for delivery of a child. The fund shall consist of
appropriations, gifts, grants and donations to the fund. The
fund shall be administered by the department of health.**

**B. The department of health shall develop
procedures and rules for the application for and award of**

underscored material = new
[bracketed material] = delete

1 money from the birthing liability fund, including criteria
2 upon which to evaluate the need of the person applying and the
3 merits of the application, so long as the rules require that a
4 nurse midwife be certified or a physician be licensed in New
5 Mexico, the person demonstrate need and evidence be provided
6 that medicaid patients constitute at least one-half of the
7 practice of that nurse midwife or physician.

8 C. Disbursements of the birthing liability fund
9 shall be made by warrant of the department of finance and
10 administration pursuant to vouchers signed by the secretary of
11 health or the secretary's authorized representative. Any
12 unexpended or unencumbered balance remaining in the fund at
13 the end of any fiscal year shall not revert but shall remain
14 to the credit of the fund.

15 Section 2. APPROPRIATION. -- One million dollars
16 (\$1,000,000) is appropriated from the general fund to the
17 birthing liability fund for expenditure in fiscal year 2008
18 and subsequent fiscal years to fund the birthing liability
19 fund. Any unexpended or unencumbered balance remaining at the
20 end of a fiscal year shall not revert.